

What is Child Care?

Child care is any regularly scheduled supervision provided to children under eighteen years of age when they are not with their parents. It can be provided either in family day care homes or in child care centers. **Family day care homes** may have 14 or fewer children (or as set forth by the State) under 18 years of age, including residents, in the home of the service provider. Based on certain criteria the State allows family day care homes by right, thus preempting local government discretionary action. However, they require a license from the State of California, as well as payment of a business license tax and fire clearance from the City. **Child care centers** require a Planning permit from the City of San Jose before the license required by the State of California. They provide non-residential care for any number of children under 18 years of age, must be operated less than 24 hours per day and may not include residential programs.

This brochure is a guide to the process of obtaining the permits and licenses necessary to legally provide child care in the City of San Jose. Identified below are applicable City permits as well as permits and licenses issued by other agencies.

What are the City's Child Care regulations?

The City's Child Care regulations consist of the "Guidelines For Child Care," which is a City Council policy, and the Zoning Ordinance, which: (1) implements the State's allowance for family day care homes in all residential dwellings as an incidental use without a Planning permit, and (2) requires a Conditional Use Permit (CUP) for any child care center in all residential and commercial zoning districts, as well as in industrial zoning districts with a Mixed Industrial Overlay General Plan land use designation. The **guidelines** identify the project characteristics necessary to approve a CUP for a child care center. They are intended to assist those engaged in the design, review, approval and provision of child care, and should be used as a resource to plan all new child care centers.

Do I need a Planning permit to operate a family day care home for up to 14 children?

No, but you will need a:

- **Family Day Care License** from the State of California Department of Social Services, Community Care and Licensing Division,
- **Fire Clearance Permit** from the City of San Jose Fire Prevention Bureau for 7 children or more, and
- **Building Permit** from the City of San Jose Building Division if you are structurally altering your home.
- **Business License Tax**

Do I need a Planning permit to operate a child care center in an existing school or church involving no building additions or changes to the site?

Not in schools or churches located in the open space, agriculture, residential or commercial zoning district. However you will need a:

- **Community Care License** from the State of California Department of Social Services, Community Care and Licensing Division,
- **Fire Clearance Permit** from the City of San Jose Fire Prevention Bureau,
- **Business License Tax** from the City of San Jose Department of Finance, and
- **Building Permit** if you are modifying your building interior from the City of San Jose Building Division.

Are Planning permits necessary to either operate a new child care center other than at a church or school or make other exterior modifications?

Yes. A Planning Permit is required before obtaining a State Community Care License, Fire Clearance Permit, Business Tax License, and if necessary, a Building Permit.

What should I do if I need a Planning permit?

Before making any financial commitments, you should:

- Talk to the staff in the **Office of Early Child Care** and Education Service, and the **Planning Divisions** of the **Department of Planning, Building and Code Enforcement**,

- Review the brochures on Conditional Use Permits, and Site Development Permits which are available from the Planning Divisions of the Department of Planning, Building and Code Enforcement,
- Consult professional design and environmental consultants, and
- Utilize the Department of Planning, Building and Code Enforcement's Preliminary Review process, prior to applying for a formal Conditional Use Permit or Site Development Permit, to improve the certainty, predictability, efficiency and potential cost savings of your application process.

Please remember that obtaining a Planning Permit will cost both time and money. The amount of Planning Permit fees are normally a function of the size of facility, and can be properly estimated during the Preliminary Review process. Expenses and fees are also required for the following: (1) Public Works Clearance, (2) Fire Clearance Permit, (3) Building Permit, (4) Business Tax License, and (5) State Community Care License. You may also incur expenses for any professional design or environmental consultants hired to assist with the project. While it is our goal to expedite Child Care Centers, Planning Permit applications generally take three to four months to process from the date the application is filed with the Planning Divisions of the Department of Planning, Building and Code Enforcement.

What should I do to ensure my proposed child care center is compatible with the surrounding neighborhood?

All potential Child Care Center providers are encouraged to contact residents and business owners in the surrounding neighborhood to discuss the proposed project prior to applying for a Planning Permit. In general, adherence to the provisions of the guidelines on facility location, traffic and circulation, parking and drop-off zones, site design, number of children proposed, and facility operation could ensure a measure of compatibility with surrounding neighborhoods.

What hours of operation are allowed for a new child care center in residential neighborhoods?

Child care centers adjoining residences on one or more sides should operate only from 6:00 a.m. to 7:00 p.m., Monday through Friday, to avoid adversely impacting adjacent residences.

Where can I receive more information about:

Family Day Care and Community Care Licenses?

State of California, Department of Social Services
Community Care and Licensing Division
111 N. Market Street, Suite 300, San Jose, CA 95113
(408) 277-1286

Child Care, In General?

City of San Jose
Office of Early Child Care and Education Service
43 East Gish Road, suite 200, San Jose, CA 95112
(408) 392-6757

Planning Permits?

City of San Jose
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street, San Jose, CA 95113
(408) 535-3555

Building Permits?

City of San Jose
Department of Planning, Building and Code Enforcement
Building Division
200 East Santa Clara Street, San Jose, CA 95113
(408) 535-3555

Fire Clearance Permits?

City of San Jose, Fire Prevention Bureau
200 East Santa Clara Street, San Jose, CA 95113
(408) 535-3555

Business License Tax?

City of San Jose, Department of Finance
200 East Santa Clara Street, San Jose, CA 95113
(408) 535-3555

Para mas informacion,
por favor llame (408) 535-3555

For more information
call (408) 535-3555



City of San Jose
Planning, Building and Code Enforcement
200 East Santa Clara Street
San Jose, CA 95113-1905

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www.sanjoseca.gov/planning